THE LEGISLATIVE ASSEMBLY OF
BRITISH COLUMBIA

Special Committee to Appoint an Information and Privacy Commissioner

Report

First Session, Thirty-Eighth Parliament

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LEGISLATIVE ASSEMBLY
PROVINCE OF BRITISH COLUMBIA

November 24, 2005

To the Honourable,
The Legislative Assembly of the
Province of British Columbia
Victoria, British Columbia

Honourable Members:

I have the honour to present herewith the *Report* of the Special Committee to Appoint an Information and Privacy Commissioner.

The *Report* covers the work of the Committee from October 31 to November 23, 2005.

Respectfully submitted on behalf of the Committee.

John Rustad, MLA
Chair

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COMPOSITION OF THE COMMITTEE

MEMBERS

John Rustad, MLA	Chair	Prince George-Omineca
Leonard Krog, MLA	Deputy Chair	Nanaimo
Ron Cantelon, MLA		Nanaimo-Parksville
Mary Polak, MLA		Langley
Diane Thorne, MLA		Coquitlam-Maillardville

CLERK TO THE COMMITTEE

Craig James, Clerk Assistant and Clerk of Committees

COMMITTEE RESEARCHER

Wynne MacAlpine, Research Analyst

TERMS OF REFERENCE

On October 31, 2005, the Legislative Assembly agreed that a Special Committee be appointed to select and unanimously recommend to the Legislative Assembly the appointment of an Information and Privacy Commissioner, pursuant to Section 37 (1) of the *Freedom of Information and Protection of Privacy Act* (RSBC 1996, c. 165) and that the Special Committee so appointed shall have the powers of a Select Standing Committee and is also empowered:

(a) to appoint of their number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the committee;

(b) to sit during any period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;

(c) to adjourn from place to place as may be convenient;

(d) to retain such personnel as required to assist the Committee;

and shall report to the House as soon as possible, or following any adjournment of the House, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon the resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

INTRODUCTION

The Information and Privacy Commissioner, an independent statutory officer of the Legislature, is the head of the Office of the Information and Privacy Commissioner.

The position of Information and Privacy Commissioner was established by the *Freedom of Information and Protection of Privacy Act*, which came into effect October 4, 1993. Since the position was created, there have been two regular Commissioners appointed: David Flaherty (1993-1999) and David Loukidelis (1999-2005).

The role of the Information and Privacy Commissioner has expanded significantly since its inception. Until 2001, the responsibilities of the Commissioner concerned the oversight of the public sector administration of the freedom of information and privacy provisions contained in the *Freedom of Information and Protection of Privacy Act*. However, in 2001, the Information and Privacy Commissioner was also designated Registrar under the *Lobbyists Registration Act*. In 2003, the Commissioner was given the additional responsibility of overseeing the administration of the private sector privacy provisions of the *Personal Information Protection Act*.

STATUTORY REQUIREMENTS OF THE APPOINTMENT PROCESS

Part Four of the *Freedom of Information and Protection of Privacy Act* sets out the process by which the Information and Privacy Commissioner must be appointed. In section 37(1), it states:

> *On the recommendation of the Legislative Assembly, the Lieutenant Governor must appoint as the Information and Privacy Commissioner a person who has been unanimously recommended by a Special Committee of the Legislative Assembly for the appointment.*

Section 37(2) specifies that the Commissioner holds office for a term of six years.

Until it was repealed by the Legislative Assembly earlier this year,[1] section 37 also contained a provision limiting a Commissioner's appointment to one term: the reappointment of an Information and Privacy Commissioner was not permitted under the Act.

During the passage of that amendment, the House explained that as British Columbia's experience with the *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act* has increased, and our understanding of the functions of the Information and Privacy Commissioner have grown, it has become apparent that a prohibition on reappointment is no longer appropriate. Allowing for reappointment brings the *Freedom of Information and Protection of Privacy Act* into line with the statutes governing the other statutory officers in British Columbia, as well as those governing Information and Privacy Commissioners in other jurisdictions. It also gives the House the broadest range of candidates to choose from when selecting an Information and Privacy Commissioner for the province.

[1] Repealed through Bill 4 – 2005, the *Freedom of Information and Protection of Privacy Amendment Act, 2005*, assented to on September 22, 2005.

Members of the Committee observed, during their deliberations, that they benefited from being able to consider the need for continuity in the Office of the Information and Privacy Commissioner. Members noted that having that option is particularly valuable in light of the important legislative and technological changes that are currently impacting the areas of access and privacy.

This report constitutes the recommendation of the Special Committee to Appoint an Information and Privacy Commissioner to the Legislative Assembly for the appointment of the third Information and Privacy Commissioner for British Columbia, as required by section 37(1) of the *Freedom of Information and Protection of Privacy Act*.

Committee Meetings Conducted

The Committee met in Victoria on the following dates for the purposes described.

Monday, November 14, 2005	Committee Procedure and Appointment Process
Thursday, November 17, 2005	Briefing by the Information Policy and Privacy Branch and Strategic Planning and Policy, Ministry of Labour and Citizens' Services
Tuesday, November 22, 2005	Interview and Deliberations

Selection Process

In planning the selection process, the Committee considered two options. The first option was an open competition consisting of nationwide advertisements, a candidate screening process and candidate interviews, followed by the Committee's deliberations, and a recommendation to the House. The second option was to proceed incrementally, inviting the incumbent to apply and sit for an interview, then discussing whether or not to open the competition further. The Committee chose the latter option, believing that it was fair to provide the incumbent Commissioner with a preliminary opportunity to discuss his interest in continuing in the role. In making that decision, the Committee also noted that the incumbent possesses outstanding qualifications, and that as Commissioner, he is well-regarded as an effective and reasoned advocate in his areas of statutory responsibility.

The interview confirmed the Committee's original assessment. In his discussion with the Committee, Mr. Loukidelis conveyed his strong commitment to the principles of access to information and privacy protection, demonstrated great expertise in access and privacy law, exhibited a thorough understanding of his role and the role of his Office, displayed a genuine team orientation, acknowledged lessons learned, and articulated a vision for the Commissioner and the Office as well as goals to address existing and emerging issues.

The Committee is pleased with Mr. Loukidelis's excellent record during the past six years as B.C.'s Information and Privacy Commissioner. Members believe that he has shown balanced

leadership in his oversight and advocacy roles, and that the province would be well-served by his continued guardianship of our access to information and privacy rights.

Following its deliberations, the Committee unanimously agreed to recommend the reappointment of David Loukidelis for a second term as B.C.'s Information and Privacy Commissioner.

Recommendation

The Committee unanimously recommends to the Legislative Assembly that David Loukidelis be appointed Information and Privacy Commissioner for the Province of British Columbia, pursuant to section 37(1) of the *Freedom of Information and Protection of Privacy Act*.

Biographical Notes

David Loukidelis was first appointed Information and Privacy Commissioner in August of 1999, having practiced law in Vancouver since 1988.

In addition to expertise in local government law, Mr. Loukidelis has an extensive background in access to information and privacy protection issues. A founding member of the B.C. Freedom of Information and Privacy Association (FIPA), he served for a number of years as a director of FIPA and also served as its president. As a member of FIPA's Legislative Task Force, he was the main author of FIPA's law reform report, *Information Rights for British Columbia*. That report - which contained 73 legislative recommendations - played a key role in the enactment of British Columbia's *Freedom of Information and Protection of Privacy Act*. During his time with FIPA, Mr. Loukidelis wrote several other reports and commentaries on a variety of access and privacy matters. He was also the author of a number of written submissions made by FIPA as intervenor in appeals to the previous Information and Privacy Commissioner. In 1998, he was awarded FIPA's Information Rights Award, in recognition of his "major contribution to information rights in Canada." He was a member of the Freedom of Information and Protection of Privacy Committee of the B.C. Branch of the Canadian Bar Association from 1994 until his appointment as Commissioner.

His extensive experience in access and privacy matters also involved giving legal advice to public bodies, individuals and members of the media. He also advised business interests and labour groups and unions. He acted as counsel in several British Columbia Supreme Court judicial review applications involving decisions of the previous Information and Privacy Commissioner.

Mr. Loukidelis received his LL.B. from Osgoode Hall Law School in 1984, after which he articled in Vancouver. After his call to the Bar in 1985, he served for a year as a law clerk to a judge of the Supreme Court of Canada. He then attended the University of Oxford, from which he received his B.C.L., a graduate law degree, in 1987. Before beginning his legal studies, he received, in 1980, a M.A. in English Language and Literature (Medieval Studies) from the University of Edinburgh. Before that, he studied English literature for two years at the University of Toronto.

Freedom of Information and Protection of Privacy Act, Part 4 (Current to November 9, 2005)

PART 4 — OFFICE AND POWERS OF INFORMATION AND PRIVACY COMMISSIONER

Appointment of commissioner

37 (1) On the recommendation of the Legislative Assembly, the Lieutenant Governor must appoint as the Information and Privacy Commissioner a person who has been unanimously recommended by a special Committee of the Legislative Assembly for the appointment.

(2) The commissioner is an officer of the Legislature.

(3) Subject to section 38, the commissioner holds office for a term of 6 years.

(4) [Repealed 2005-25-1.]

Resignation, removal or suspension of commissioner

38 (1) The commissioner may resign at any time by notifying the Speaker of the Legislative Assembly or, if there is no speaker or the speaker is absent from British Columbia, by notifying the clerk of the Legislative Assembly.

(2) The Lieutenant Governor in Council must remove the commissioner from office or suspend the commissioner for cause or incapacity on the recommendation of 2/3 of the members present in the Legislative Assembly.

(3) If the Legislative Assembly is not sitting, the Lieutenant Governor in Council may suspend the commissioner for cause or incapacity.

Acting commissioner

39 (1) The Lieutenant Governor in Council may appoint an acting commissioner if

(a) the office of commissioner is or becomes vacant when the Legislative Assembly is not sitting,

(b) the commissioner is suspended when the Legislative Assembly is not sitting,

(c) the commissioner is removed or suspended or the office of the commissioner becomes vacant when the Legislative Assembly is sitting, but no recommendation is made by the Assembly under section 37 (1) before the end of the session, or

(d) the commissioner is temporarily absent because of illness or for another reason.

(2) An acting commissioner holds office until

(a) a person is appointed under section 37 (1),

(b) the suspension of the commissioner ends,

(c) the Legislative Assembly has sat for 20 days after the date of the acting commissioner's appointment, or

(d) the commissioner returns to office after a temporary absence,

whichever is the case and whichever occurs first.

Salary, expenses and benefits of commissioner

40 (1) A commissioner appointed under section 37 (1) or 39 (1) is entitled

(a) to be paid, out of the consolidated revenue fund, a salary equal to the salary paid to the chief judge of the Provincial Court, and

(b) to be reimbursed for reasonable travelling and out of pocket expenses personally incurred in performing the duties of the office.

(2) The Lieutenant Governor in Council may, on terms and conditions the Lieutenant Governor in Council specifies, order that the Public Service Pension Plan, continued under the Public Sector Pension Plans Act, applies to the commissioner.

(3) If an order is made under subsection (2), the Public Service Pension Plan applies subject to subsection (4).

(4) When calculating the amount of a pension under the Public Service Pension Plan, each year of service as commissioner must be counted as 1 1/2 years of pensionable service.

(5) [Repealed 2003-62-2.]

Staff of commissioner

41 (1) The commissioner may appoint, in accordance with the Public Service Act, employees necessary to enable the commissioner to perform the duties of the office.

(2) The commissioner may retain any consultants, mediators or other persons and may establish their remuneration and other terms and conditions of their retainers.

(3) The Public Service Act does not apply in respect of a person retained under subsection (2).

(4) The commissioner may make a special report to the Legislative Assembly if, in the commissioner's opinion,

(a) the amounts and establishment provided for the office of commissioner in the estimates, or

(b) the services provided by the BC Public Service Agency are inadequate for fulfilling the duties of the office.

General powers of commissioner

42 (1) In addition to the commissioner's powers and duties under Part 5 with respect to reviews, the commissioner is generally responsible for monitoring how this Act is administered to ensure that its purposes are achieved, and may

(a) conduct investigations and audits to ensure compliance with any provision of this Act,

(b) make an order described in section 58 (3), whether the order results from an investigation or audit under paragraph (a) or an inquiry under section 56,

(c) inform the public about this Act,

(d) receive comments from the public about the administration of this Act,

(e) engage in or commission research into anything affecting the achievement of the purposes of this Act,

(f) comment on the implications for access to information or for protection of privacy of proposed legislative schemes or programs of public bodies,

(g) comment on the implications for access to information or for protection of privacy of automated systems for collection, storage, analysis or transfer of information,

(h) comment on the implications for protection of privacy of using or disclosing personal information for record linkage,

(i) authorize the collection of personal information from sources other than the individual the information is about, and

(j) bring to the attention of the head of a public body any failure to meet the prescribed standards for fulfilling the duty to assist applicants.

(2) Without limiting subsection (1), the commissioner may investigate and attempt to resolve complaints that

(a) a duty imposed by this Act or the regulations has not been performed,

(b) an extension of time for responding to a request is not in accordance with section 10,

(c) a fee required under this Act is inappropriate,

(d) a correction of personal information requested under section 29 (1) has been refused without justification, and

(e) personal information has been collected, used or disclosed in contravention of Part 3 by

(i) a public body or an employee, officer or director of a public body, or

(ii) an employee or associate of a service provider.

Power to authorize a public body to disregard requests

43 If the head of a public body asks, the commissioner may authorize the public body to disregard requests under section 5 or 29 that

(a) would unreasonably interfere with the operations of the public body because of the repetitious or systematic nature of the requests, or

(b) are frivolous or vexatious.

Powers of commissioner in conducting investigations, audits or inquiries

44 (1) In conducting an investigation under section 42 or an inquiry under section 56, the commissioner has the powers given to a commissioner by sections 15 and 16 of the Inquiry Act and the powers given by subsection (2) of this section.

(2) The commissioner may require any record to be produced to the commissioner and may examine any information in a record, including personal information.

(2.1) If a person discloses a record that is subject to solicitor client privilege to the commissioner at the request of the commissioner, or under subsection (1) or (2), the solicitor client privilege of the record is not affected by the disclosure.

(3) Despite any other enactment or any privilege of the law of evidence, a public body must produce to the commissioner within 10 days any record or a copy of any record required under subsection (1) or (2).

(4) If a public body is required to produce a record under subsection (1) or (2) and it is not practicable to make a copy of the record, the head of that public body may require the commissioner to examine the original at its site.

(5) After completing a review or investigating a complaint, the commissioner must return any record or any copy of any record produced by the public body concerned.

Statements made to the commissioner not admissible in evidence

45 (1) A statement made or an answer given by a person during an investigation or inquiry by the commissioner is inadmissible in evidence in court or in any other proceeding, except

(a) in a prosecution for perjury in respect of sworn testimony,

(b) in a prosecution for an offence under this Act, or

(c) in an application for judicial review or an appeal from a decision with respect to that application.

(2) Subsection (1) applies also in respect of evidence of the existence of proceedings conducted before the commissioner.

Protection against libel or slander actions

46 Anything said, any information supplied or any record produced by a person during an investigation or inquiry by the commissioner is privileged in the same manner as if the investigation or inquiry were a proceeding in a court.

Restrictions on disclosure of information by the commissioner and staff

47 (1) The commissioner and anyone acting for or under the direction of the commissioner must not disclose any information obtained in performing their duties, powers and functions under this Act, except as provided in subsections (2) to (5).

(2) The commissioner may disclose, or may authorize anyone acting on behalf of or under the direction of the commissioner to disclose, information that is necessary to

(a) conduct an investigation, audit or inquiry under this Act, or

(b) establish the grounds for findings and recommendations contained in a report under this Act.

(3) In conducting an investigation, audit or inquiry under this Act and in a report under this Act, the commissioner and anyone acting for or under the direction of the commissioner must take every reasonable precaution to avoid disclosing and must not disclose

(a) any information the head of a public body would be required or authorized to refuse to disclose if it were contained in a record requested under section 5, or

(b) whether information exists, if the head of a public body in refusing to provide access does not indicate whether the information exists.

(4) The commissioner may disclose to the Attorney General information relating to the commission of an offence against an enactment of British Columbia or Canada if the commissioner considers there is evidence of an offence.

(5) The commissioner may disclose, or may authorize anyone acting for or under the direction of the commissioner to disclose, information in the course of a prosecution, application or appeal referred to in section 45.

Protection of commissioner and staff

48 No proceedings lie against the commissioner, or against a person acting on behalf of or under the direction of the commissioner, for anything done, reported or said in good faith in the exercise or performance or the intended exercise or performance of a duty, power or function under this Part or Part 5.

Delegation by commissioner

49 (1) Subject to this section, the commissioner may delegate to any person any duty, power or function of the commissioner under this Act, other than the power to delegate under this section.

(1.1) The commissioner may not delegate the power to examine information referred to in section 15 if the head of a police force or the Attorney General

(a) has refused to disclose that information under section 15, and

(b) has requested the commissioner not to delegate the power to examine that information.

(1.2) Despite section 66, the head of a police force may not delegate the power to make a request under subsection (1.1) (b).

(1.3) Despite section 66, the Attorney General may only delegate the power to make a request under subsection (1.1) (b) to the Assistant Deputy Attorney General, Criminal Justice Branch.

(2) A delegation under subsection (1) must be in writing and may contain any conditions or restrictions the commissioner considers appropriate.

Role of Ombudsman

50 The Ombudsman may not investigate any matter that the commissioner has the power to investigate or review under this Act unless the commissioner agrees.

Annual report of commissioner

51 (1) The commissioner must report annually to the Speaker of the Legislative Assembly on

(a) the work of the commissioner's office, and

(b) any complaints or reviews resulting from a decision, act or failure to act of the commissioner as head of a public body.

(2) The Speaker must lay each annual report before the Legislative Assembly as soon as possible.

PERSONAL INFORMATION PROTECTION ACT, PART 10

(CURRENT TO NOVEMBER 9, 2005)

PART 10 — ROLE OF COMMISSIONER

General powers of commissioner

36 (1) In addition to the commissioner's powers and duties under Part 11 with respect to reviews, the commissioner is responsible for monitoring how this Act is administered to ensure that its purposes are achieved, and may do any of the following:

(a) whether a complaint is received or not, initiate investigations and audits to ensure compliance with any provision of this Act, if the commissioner is satisfied there are reasonable grounds to believe that an organization is not complying with this Act;

(b) make an order described in section 52 (3), whether or not a review is requested;

(c) inform the public about this Act;

(d) receive comments from the public about the administration of this Act;

(e) engage in or commission research into anything affecting the achievement of the purposes of this Act;

(f) comment on the implications for protection of personal information of programs proposed by organizations;

(g) comment on the implications of automated systems for the protection of personal information;

(h) comment on the implications for protection of personal information of the use or disclosure of personal information held by organizations for document linkage;

(i) authorize the collection of personal information by an organization from sources other than the individual to whom the personal information relates;

(j) bring to the attention of an organization any failure of the organization to meet the obligations established by this Act;

(k) exchange information with any person who, under legislation of another province or of Canada, has powers and duties similar to those of the commissioner;

(l) enter into information-sharing agreements for the purposes of paragraph (k) and into other agreements with the persons referred to in that paragraph for the purpose of coordinating their activities and providing for mechanisms for handling complaints.

(2) Without limiting subsection (1), the commissioner may investigate and attempt to resolve complaints that

(a) a duty imposed by this Act or the regulations has not been performed,

(b) an extension of time for responding to a request is not in accordance with section 29,

(c) a fee required by an organization under this Act is not reasonable,

(d) a correction of personal information requested under section 24 has been refused without justification, and

(e) personal information has been collected, used or disclosed by an organization in contravention of this Act.

Power to authorize organization to disregard requests

37 If asked by an organization, the commissioner may authorize the organization to disregard requests under section 23 or 24 that

(a) would unreasonably interfere with the operations of the organization because of the repetitious or systematic nature of the requests, or

(b) are frivolous or vexatious.

Powers of commissioner in conducting investigations, audits or inquiries

38 (1) In conducting an investigation or an audit under section 36 or an inquiry under section 50 the commissioner has the power, privileges and protection of a commissioner under sections 12, 15 and 16 of the Inquiry Act.

(2) The commissioner may

(a) examine any information in a document, including personal information, and obtain copies or extracts of documents containing information

(i) found in any premises entered under paragraph (c), or

(ii) provided under this Act,

(b) require an individual or an organization to produce documents, and

(c) at any reasonable time, enter any premises, other than a personal residence, occupied by an organization, after satisfying any reasonable security requirements of the organization relating to the premises.

(3) If information to which solicitor-client privilege applies is disclosed by a person to the commissioner at the request of the commissioner, or obtained by or disclosed to the commissioner under subsection (1) or (2) (a) or (b), the solicitor-client privilege is not affected by the way in which the commissioner has received the information.

(4) The commissioner may require an individual to attempt to resolve the individual's dispute with an organization in the way directed by the commissioner before the commissioner begins or continues a review or investigation under this Act of an applicant's complaint against the organization.

(5) Despite any other enactment or any privilege afforded by the law of evidence, an organization must provide to the commissioner any document, or a copy of any document, required under subsection (1) or (2) (a) or (b)

(a) if the commissioner does not specify a period for the purpose, within 10 days of the date of the commissioner's request for the document, or

(b) if the commissioner specifies a period, within the period specified.

(6) If an organization is required to produce a document under subsection (1) or (2) (a) or (b) and it is not practicable to make a copy of the document, the organization must provide access for the commissioner to examine the document at its site.

(7) Subject to subsection (8), after completing a review, investigating a complaint, or conducting an audit, the commissioner must return a document, or a copy of a document, produced by the individual or organization.

(8) On request from an individual or an organization, the commissioner must return a document, or a copy of a document, produced by the individual or organization within 10 days of the date on which the commissioner receives the request.

Evidence in proceedings

39 (1) The commissioner and anyone acting for or under the direction of the commissioner must not give or be compelled to give evidence in a court or in any other proceedings in respect of any information obtained in performing their duties or exercising their powers or functions under this Act, except

(a) in a prosecution for perjury in respect of sworn testimony,

(b) in a prosecution for an offence under this Act, or

(c) in an application for judicial review or an appeal from a decision with respect to that application.

(2) Subsection (1) applies also in respect of evidence of the existence of proceedings conducted before the commissioner.

Protection against libel or slander actions

40 Anything said, any information supplied or any record produced by a person during an investigation or inquiry by the commissioner is privileged in the same manner as if the investigation or inquiry were a proceeding in a court.

Restrictions on disclosure of information by commissioner and staff

41 (1) The commissioner and anyone acting for or under the direction of the commissioner must not disclose any information obtained in performing their duties or exercising their powers and functions under this Act, except as provided in subsections (2) to (6).

(2) The commissioner may disclose, or may authorize anyone acting on behalf of or under the direction of the commissioner to disclose, information that is necessary to

(a) conduct an investigation, audit or inquiry under this Act, or

(b) establish the grounds for findings and recommendations contained in a report under this Act.

(3) In conducting an investigation, audit or inquiry under this Act and in a report under this Act, the commissioner and anyone acting for or under the direction of the commissioner must take every reasonable precaution to avoid disclosing and must not disclose

(a) any personal information an organization would be required or authorized to refuse to disclose if it were contained in personal information requested under section 27, or

(b) whether information exists, if an organization in refusing to provide access does not indicate whether the information exists.

(4) The commissioner may disclose to the Attorney General information relating to the commission of an offence against an enactment of British Columbia or Canada if the commissioner considers there is evidence of an offence.

(5) The commissioner may disclose, or may authorize anyone acting for or under the direction of the commissioner to disclose, information in the course of a prosecution, application or appeal referred to in section 39.

(6) The commissioner may disclose, or may authorize anyone acting for or under the direction of the commissioner to disclose, information in accordance with an information-sharing agreement entered into under section 36 (1) (l).

Protection of commissioner and staff

42 No proceedings lie against the commissioner, or against a person acting on behalf of or under the direction of the commissioner, for anything done, reported or said in good faith in the exercise or performance or the intended exercise or performance of a duty, power or function under this Part or Part 11.

Delegation by commissioner

43 (1) The commissioner may delegate to any person any duty, power or function of the commissioner under this Act, except the power to delegate under this section.

(2) A delegation under subsection (1) must be in writing and may contain any conditions or restrictions the commissioner considers appropriate.

Annual report of commissioner

44 (1) The commissioner must report annually to the Speaker of the Legislative Assembly on the work of the commissioner's office under this Act.

(2) The Speaker must lay the annual report before the Legislative Assembly as soon as possible.

Designation and functions of registrar

7 (1) The person holding the office of, or acting as, Information and Privacy Commissioner under the Freedom of Information and Protection of Privacy Act is designated as registrar for the purposes of this Act.

(2) The registrar must establish and maintain a registry in which a record of all returns and other documents submitted to the registrar under this Act are to be kept.

(3) The registry must be organized in the manner and kept in the form that the registrar may determine.

(4) The registrar may do one or more of the following:

(a) verify the information contained in any return or other document submitted under this Act;

(b) subject to subsection (5), refuse to accept a return or other document that does not comply with the requirements of this Act or the regulations or that contains information not required to be supplied or disclosed under this Act;

(c) remove a return from the registry if the individual who filed the return does not comply with section 4 (2) (c);

(d) delegate, in writing, to a person employed in the registrar's office any of the registrar's functions under this Act;

(e) authorize a person to whom functions are delegated under paragraph (d) to subdelegate those functions to another person employed in the registrar's office.

(5) On refusing to accept a return or other document under subsection (4) (b), the registrar must

(a) inform the individual who submitted it of the refusal and the reason, and

(b) allow a reasonable extension of the time set under this Act for filing the return or submitting the document if that individual cannot reasonably be expected to file another return or submit another document within the set time.

(6) A return that is filed or a document that is submitted within the time allowed under subsection (5) (b) and is accepted by the registrar in place of one refused under subsection (4) (b) is deemed to have been filed or submitted, as the case may be, on the date the registrar received the one that was refused.

(7) If a return is removed from the registry under subsection (4) (c),

(a) the registrar must inform the individual who filed the return of its removal and the reason, and

(b) that individual is deemed not to have filed the return.